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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27997	7590	05/15/2006	EXAMINER	
PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			CODY, DILLON J	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,803

Applicant(s)

BARRY ET AL.

Examiner

Dillon J. Cody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 23-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-27 are pending.

Papers Filed

2. Examiner acknowledges receipt of claims, disclosure and declaration, all filed 22 March 2004; replacement drawings filed 30 July 2004.

Title

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
5. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-22, drawn to a processor with instructions of varying execution latency, classified in class 712, subclass 220.
 - II. Claims 23-27, drawn to a method of simulation and synthesis for HDL modules, classified in class 716, subclass 18.

The inventions are distinct, each from the other because of the following reasons:

6. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as implementing a processor different than that claimed in group I. Subcombination I has separate utility such as being implemented by a method different than that claimed in group II. See MPEP § 806.05(d).

7. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

8. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

9. During a telephone conversation with Peter Priest (#30,210) on 1 May 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-22. Affirmation of this election must be made by applicant in replying to this Office action. Claims 23-27 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

10. Claims are objected to because of the following informalities:

Claims 3 and 17: It is unclear what "variations and combinations thereof" is to mean. Any instruction set that includes all of the functions listed inherently includes any subset of the same instructions. For that matter, it is assumed that "combinations thereof" was meant to appear in the alternative. Further, any variation on an add instruction, for example, would still be considered an addition function in and of itself. Hence, "variations" adds no further limitation to the claim. For purposes of examination, the examiner will interpret the claim to read "...loads, stores, communications or combinations thereof"

11. Appropriate correction is required.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 13-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Nothing in the method claims 13 and 14 requires any computer hardware to perform the process and can be interpreted simply as a series of mental steps. As such, the claims are not tangible and hence, non-statutory. The examiner recommends either

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amending the preamble to read "A computer-implemented method..." or to add a third step to claim 13: "executing the application program on a processor".

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowell (U.S. Patent No. 3,623,017).

16. As per claim 1, Lowell teaches a processor with an instruction class controllable pipeline comprising:

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a program storage unit (Fig. 1 memory unit 18) holding a diverse plurality of class one and class two executable function instructions, the class one instructions having a shorter execution latency and the class two instructions having a longer execution latency; (Col. 1 lines 5-25)

a fetch stage for fetching an instruction from the program storage unit to be stored in an instruction register; (Fig. 1 instruction register 28)

a decode stage for classifying and decoding the instruction stored in the instruction register, and generating an instruction class indication and storing the decoded instruction in a decode register; (Fig. 1 decoder 30)

an adaptable pipeline control unit responsive to the instruction class indication for adapting the pipeline to the instruction class; (Col. 1 lines 5-25)

and an adaptable execution stage operable for execution of a decoded instruction stored in the decode register, the decoded instruction being a class one instruction or a class two instruction. (Fig. 1 arithmetic section 14)

17. As per claim 2, Lowell teaches the processor of claim 1, wherein the fetch stage further comprises: a program counter and an instruction memory fetch mechanism which are operable to begin instruction processing by fetching one or more instructions from the program storage unit. *Fig. 1 discloses using program counter 26 to index into memory 18 to obtain the instruction held in instruction register 28.*

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18. As per claim 3, Lowell teaches the processor of claim 1, wherein the executable function instructions comprise: additions, subtractions, multiplications, divisions, compares, ANDS, ORs, ExclusiveORs, NOTs, shifts, rotates, permutes, bit operations, moves, loads, stores, communications and variations or combinations thereof. *Lowell discloses multiply, and divide (col. 1 line 9).*

19. As per claim 4, Lowell teaches the processor of claim 1, wherein the adaptable pipeline control unit further comprises: a pipeline control mechanism for class one instructions to execute in a first time period; and a pipeline control mechanism for class two instructions to execute in a second longer time period. *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion and pausing the front end of the pipeline for the arithmetic hold condition (class two instruction).*

20. As per claim 5, Lowell teaches the processor of claim 4 wherein the pipeline control mechanism for class one instructions further comprises: control for normal pipeline sequencing for class one instructions to execute in a first time period. *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion.*

21. As per claim 9, Lowell teaches the processor of claim 1 wherein the adaptable execution stage further comprises: a class one execution unit operable to execute a class one instruction stored in the decode register; and a class two

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execution unit operable to execute a class two instruction stored in the decode register. (Fig. 14 arithmetic unit 14)

22. As per claim 10, Lowell teaches the processor of claim 1 wherein the decode stage further operates to decode an opcode field to classify an instruction. *Since certain instructions are deemed to be "extended sequence instructions", and the processor goes into an arithmetic hold for these instructions (col. 1 lines 5-25) there must exist decode circuitry to classify these instructions as class two instructions based on instruction type. An opcode inherently defines the function an instruction is perform.*

23. As per claim 11, Lowell teaches the processor of claim 1 wherein the decode stage further operates to decode an opcode field and decode of a data type field to classify an instruction. *The examiner asserts that the opcode field is a data field and indicates what type of instruction to perform.*

24. As per claim 12, Lowell teaches the processor of claim 4 wherein the adaptable pipeline control unit further comprises:

a programmable clock gating mode indicator that specifies a normal clock gating mode and a slow down clock gating mode;

and control for extending pipeline sequencing both class 1 instructions and class 2 instructions to execute in a third longer time period when the programmable clock gating mode indicator specifies a slow down clock gating

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mode. *Lowell teaches that a slower clock will execute both extended and non-extended instructions. Inherently, executing both a class 1 and a class 2 instruction in the slower clock would take a longer time than executing either alone in either the same or the faster clock.*

25. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa (U.S. Patent No. 5,787,303).

26. As per claim 15, Ishiwaka teaches a very long instruction word (VLIW) processor with a plurality of instruction class controllable pipelines comprising:
a VLIW storage unit holding a diverse plurality of class one and class two executable function instructions located in multiple instruction slot format VLIWS, the class one instructions having a shorter execution latency and the class two instructions having a longer execution latency; *Ishikawa's invention inherently has memory to store instructions. Without such instruction memory, no instructions could be retained for processing. Col. 2 lines 40-45 disclose floating point operations (class two) with a longer execution latency than other instructions (class one).*

a VLIW fetch stage for fetching a VLIW from a VLIW storage unit to be stored in a VLIW instruction register (VIR); *Instructions must inherently be fetched from memory if they are to be executed.*

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a decode stage for classifying and decoding the plurality of executable function instructions stored in the VIR, and generating an instruction class indication for each of the plurality of executable function instructions and storing decoded instructions in a plurality of instruction slot specific decode registers; *All instructions must be decoded before they can be executed. Passing the opcode from the decoder indicating a floating point operation constitutes signaling a class two instruction.*

an adaptable pipeline control unit responsive to the instruction class indications from the classified plurality of executable function instructions for adapting the pipeline to the instruction class; (Col. 2 lines 40-45)

and a plurality of adaptable execution stages each operable for execution of a decoded instruction stored in an instruction slot specific decode register, the decoded instruction being a class one instruction or a class two instruction. (Fig. 9)

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 6-8, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell.

29. As per claim 6, Lowell teaches the processor of claim 4 wherein the pipeline control mechanism for class two instructions further comprises a method for holding values of the instruction register, decode register and program counter upon detection of a class two instruction. *Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25)* and a control for extending pipeline sequencing for class two instruction to execute in a second longer time period. *(Lowell Col. 1 lines 5-25)*

30. Lowell fails to disclose an instruction register feedback multiplexer; a decode register feedback multiplexer; a program counter and program counter update function;

31. Official Notice is taken that feeding back a register to itself by means of a multiplexer is well known in the art. It provides a low-cost, simple implementation of retaining a register's contents by means of a control line selecting either the current value or a new value to be latched into the register.

32. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented feedback multiplexers to retain the values of the instruction register, decode register and program counter upon detection of an arithmetic hold for the benefit of a low-cost, simple implementation.

33. As per claim 7, Lowell teaches the processor of claim 4 wherein the pipeline control mechanism for class two instructions further comprises a method for holding values of the instruction register, decode register and program

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counter upon detection of a class two instruction. *Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25)* and control for extending pipeline sequencing for class two instructions to execute in a second longer time period. (Col. 1 lines 5-25)

34. Lowell fails to disclose an instruction register gated clock; a decode register gated clock; a program counter gated clock;

35. Official Notice is taken that shutting off the clock to a register by means of a simple AND gate is well known in the art. "Clock Gating" provides the benefit of a very simple, low-cost method of forcing a register to retain its current value.

36. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented a gated clock to the instruction register, decode register and program counter register as the means of retaining their values during an arithmetic hold for the benefit of low-cost, simple implementation.

37. As per claim 8, Lowell teaches the processor of claim 7 but fails to disclose wherein the instruction register gated clock, the decode register gated clock, and the program counter gated clock are a single gated clock.

38. Official Notice is taken that gating a clock to a subset of the processor regions is well known in the art. Replacing multiple clock gates with a single one reduces complexity and necessary hardware.

39. It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the clock gates for the instruction register, decode

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register and program counter into a single clock gate to reduce complexity and hardware requirements.

40. As per claim 13, Lowell teaches a method for processor performance and power optimization of an instruction class adaptable pipeline processor supporting at least two classes of instructions with a first class operable at a high frequency and a second class operable at a lower frequency and where the instructions operable at a higher frequency class can be specified to operate at the higher frequency and the lower frequency and where the instructions operable at the lower frequency can be specified to only operate at the lower frequency class, the method comprising:

programming the instruction class adaptable pipeline processor creating an application program containing a mix of two classes of instructions to meet functional requirements with all instructions used in the program operable at the high frequency class specified as class 1 instructions; *The examiner asserts that the "extended sequence instructions" (class 1 instructions) are specified to operate at a faster frequency (col. 1 lines 5-25).*

41. Lowell fails to disclose modifying the application program to meet performance and power requirements of an application by changing, where appropriate, class 1 instructions to class 2 instructions.

42. Official Notice is taken that slowing down a clock for purposes of reducing power consumption is well known in the art.

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43. It would have been obvious to one of ordinary skill in the art at the time of invention to have allowed the faster clock of Lowell's invention to be slowed to the speed of his slower clock when required by the power requirements for the benefit of reducing power consumption.

44. As per claim 14, Lowell discloses a method for processor performance and power optimization of claim 13 wherein modifying the application program to meet performance and power requirements of an application, Lowell fails to disclose the method further comprising:

appropriately programming a programmable clock gating mode to cause a specifiable majority of the instructions of the class adaptable pipeline processor to execute at a lower clock frequency than the class 2 clock frequency, to meet performance and power requirements of an application.

45. Official Notice is taken that slowing down a clock for purposes of reducing power consumption is well known in the art.

46. It would have been obvious to one of ordinary skill in the art at the time of invention to have specified, for all instructions, to slow the processor's clock to a slower speed for the benefit of conserving power.

47. Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell (U.S. Patent No. 3,623,017) in view of Ishikawa.

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48. As per claim 15, Lowell teaches a processor with an instruction class controllable pipeline comprising:

a program storage unit (Fig. 1 memory unit 18) holding a diverse plurality of class one and class two executable function instructions, the class one instructions having a shorter execution latency and the class two instructions having a longer execution latency; (Col. 1 lines 5-25)

a fetch stage for fetching an instruction from the program storage unit to be stored in an instruction register; (Fig. 1 instruction register 28)

a decode stage for classifying and decoding the instruction stored in the instruction register, and generating an instruction class indication and storing the decoded instruction in a decode register; (Fig. 1 decoder 30)

an adaptable pipeline control unit responsive to the instruction class indication for adapting the pipeline to the instruction class; (Col. 1 lines 5-25)

and an adaptable execution stage operable for execution of a decoded instruction stored in the decode register, the decoded instruction being a class one instruction or a class two instruction. (Fig. 1 arithmetic section 14)

49. Lowell fails to teach whereby the system is configured for VLIW processing.

50. Ishikawa teaches a processor for executing VLIW instructions.\

51. Ishikawa teaches that VLIW processing decreases a processor's CPI, increasing the throughput. (Col. 1 lines 10-52)

52. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Lowell's processor to handle VLIW instructions by

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reproducing the instruction pipeline in parallel for the benefit of increased instruction throughput.

53. As per claim 16, Lowell and Ishikawa teach the VLIW processor of claim 15, wherein the VLIW fetch stage further comprises: a VLIW memory control unit which is operable to begin VLIW processing by fetching a VLIW from the VLIW storage unit. *The examiner asserts that Lowell and Ishikawa's processor must inherently fetch an instruction word from memory before being able to operate on it. Inherently, there must exist circuitry to control this memory access.*

54. As per claim 17, Lowell and Ishikawa teach the processor of claim 15, wherein the executable function instructions comprise: additions, subtractions, multiplications, divisions, compares, ANDs, ORs, ExclusiveORs, NOTs, shifts, rotates, permutes, bit operations, moves, loads, stores, communications and variations or combinations thereof; *Lowell discloses multiply, and divide (col. 1 line 9).*

55. As per claim 18, Lowell and Ishikawa teach the processor of claim 15, wherein the adaptable pipeline control unit further comprises:

a pipeline control mechanism for a VLIW, consisting of all class one instructions, to execute in a first time period; *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion.*

and a pipeline control mechanism for a VLIW, consisting of at least one class two instruction, to execute in a second longer time period. (*Lowell col. 1 lines 5-20*)

56. As per claim 19, Lowell and Ishikawa teach the processor of claim 18 wherein the pipeline control mechanism for a VLIW consisting of all class one instructions further comprises: control for normal pipeline sequencing for the class one instructions to execute in a first time period. *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion.*

57. As per claim 20, Lowell and Ishikawa teach the processor of claim 18 wherein the pipeline control mechanism for a VLIW consisting of at least one class two instruction further comprises a method for holding values of the instruction register, decode register and program counter upon detection of a class two instruction. *Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25)*

and control for extending pipeline sequencing for the VLIW to execute in a second longer time period. (*Lowell Col. 1 lines 5-25*)

58. Lowell and Ishikawa fail to expressly disclose:

VIR state maintaining multiplexers;

decode register state maintaining multiplexers;

a program counter and program counter update function;

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59. Official Notice is taken that feeding back a register to itself by means of a multiplexer is well known in the art. It provides a low-cost, simple implementation of retaining a register's contents by means of a control line selecting either the current value or a new value to be latched into the register.

60. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented feedback multiplexers to retain the values of the instruction register, decode register and program counter upon detection of an arithmetic hold for the benefit of a low-cost, simple implementation.

61. As per claim 21, Lowell and Ishikawa teach the processor of claim 18 wherein the pipeline control mechanism for a VLIW consisting of at least one class two instruction further comprises a method for holding values of the instruction register, decode register and program counter upon detection of a class two instruction. *Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25)*

and control for extending pipeline sequencing for the VLIW to execute in a second longer time period. *(Lowell Col. 1 lines 5-25)*

62. Lowell and Ishikawa fail to expressly disclose:

a VIR gated clock;

a plurality of decode register gated clocks;

a Program Counter gated clock;

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63. Official Notice is taken that shutting off the clock to a register by means of a simple AND gate is well known in the art. "Clock Gating" provides the benefit of a very simple, low-cost method of forcing a register to retain its current value.

64. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented a gated clock to the instruction register, decode register and program counter register as the means of retaining their values during an arithmetic hold for the benefit of low-cost, simple implementation.

65. As per claim 22, Lowell and Ishikawa teach the processor of claim 15 wherein each adaptable execution stage of the plurality of adaptable execution stages further comprises: a class one execution unit operable to execute a class one instruction stored in the decode register; and a class two execution unit operable to execute a class two instruction stored in the decode register.

(Ishikawa Fig. 9)

Conclusion

66. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perry et al. (U.S. Patent No. 5,142,684) disclose a system of slowing a processor clock when power consumption requirements dictate to do so.

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Khurshid et al. (U.S. Publication No. 2002/0104032) disclose a system utilizing clock gates to slow a clock frequency to portions of the processor.

67. The following is text cited from 37 CFR 1.111(c): In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Cody whose telephone number is 571-272-8401. The examiner can normally be reached on Mon - Fri, 8 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on 571-272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJC



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